

CURRICULUM VITAE

The Hon. Lady Justice Effie Owuor
Judge of Appeal (Retired)
LLB Honours, University of East Africa, Dar-Es-Salaam

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Special Awards

National Recognition, EBS (Elder of Burning Spear)

Recognized by the UN Secretary General as an Advocate, Campaigner and Supporter of all Children in the World in the UNICEF'S Millennium State of the World's Children Report .

September 2005

Profile

Born on 21st September, 1943 in Kakamega, Western Province of Kenya.

A graduate of the University of East Africa, Dar-Es-Salaam with Bachelor of Laws degree. Has undertaken various professional and judicial seminars on law reform, women's rights and criminal law.

A distinguished career in the Attorney General's chambers and Judiciary spanning over a period of 33 years. Rising through the ranks from a Resident Magistrate to a Judge of the Court of Appeal.

The first lady to be appointed as a Puisne Judge and Judge of the Court of Appeal in the Republic of Kenya.

A self-motivated retired Judge of Appeal with a wide range of experience in family, women, children, marital and succession law and has undertaken several consultancies leading to legislations in the aforementioned areas of law.

Able to work on own initiative and in collaboration with technical teams from various professions.

Proven leadership skills involving managing, developing and motivating teams to achieve their objectives.

Dedicated to maintaining high quality standards and achieving set targets.

Key public positions held:

- Commissioner of Kenya Law Reform Commission
- Founding Member and Chairperson of the Kenya Women's Judges Association, past patron of the association.
- One time Kenya's Goodwill Ambassador to UNICEF whose special role was advocacy, fundraising, and spotlighting the rights and plight of children in need of special protection.
- Chairperson of the National Task Force on Laws Relating to Children.
- Chairperson of the National Task Force to Review Laws Relating to Women.
- Chairperson of the National Council of Children's Services, whose statutory power is to supervise the planning, financing and coordination of child welfare activities in Kenya.
- One of five Special International Judges for the Miami World Women Congress for a Healthy Planet Tribunal.

Abilities

- To undertake judicial and legal work at any level.
- To undertake legal reviews and reforms, development of legislative and organization frameworks for effective discharge of terms of reference.
- Work as lead researcher, production of reports leading to enactment of statutes by parliament and the preparation of frameworks for Bills.
- To organize, plan, manage processes and work with teams to achieve set terms of reference.
- To negotiate and hold broad based high level and grassroots consultations and steer local, regional, and nationwide consultative processes.

Achievements

Distinguished judicial career

- A judicial officer spanning over a period of 33 years during which time rose from a Resident Magistrate to a Judge of Appeal.
- Was appointed the first Lady Puisne Judge and first lady Judge of Appeal (Court of Final Jurisdiction in Kenya).
- Presided over and gave judgments in landmark cases in all aspects of the law, in particular, in the area of family, marriage, succession and criminal law.

Achievement in Law Reforms

Chairperson Task Force to Review Laws Relating to Women

- This was part of the government's legal reform policy whose objective was to review and update Kenya statutory legislations to meet current needs and domesticate all International Conventions relevant to women. The mandate of the task force was:
- To review all existing laws, regulations and customs policies which have the effect of impairing or nullifying the recognition of women regardless of marital status on the basis of equality of men and women and human rights.
- To make recommendations to modify, amend, or abolish existing laws, regulations, and practices which discriminate against women.
- To consider and recommend comprehensive bills where appropriate.
- This was conducted through a countrywide consultative process through both primary and secondary research. It was undertaken in conjunction with 27 members of the Task Force with various professional expertise, 20 research assistants and a fully fledged secretariat.

- The process culminated in a report with various legislative and policy recommendations aimed at the removal and limitation of inequalities found existing. Awaiting legislation are:

The Domestic Violence (Family Protection Bill 2002)

- A law to provide for the intervention of the court in cases of domestic violence by the granting and enforcement of court orders for protection against violence in the family.

The National Council for Gender Development Act

- Whose function is to exercise general supervision over implementation of the National Policy on Gender Development.

The Marriage Bill

Chaired the National Task Force on Laws Relating to Children

- The mandate of the Task Force was to domesticate the United Nations Convention on the Right of the Child and consolidate all the domestic statutes. In order to cater for the rights, welfare and protection of the same under one legislation.

Detailed Curriculum Vitae

Biographical Data

Date of Birth: 21st September, 1943

Place of Birth: Kakamega, Western Province of Kenya

Marital Status: Widowed with six children aged between 18 years and 35 years

Academic and Professional Experience

1958-1961 First Division, Cambridge School Certificate Butere Girls High School.

1962-1963 Advanced level Cambridge School Certificate, Alliance Girls High School.

1964-1967 LLB Honours, University of East Africa, Dar-Es-Salaam, Tanzania.

Professional Experience

1967-1971 State Counsel Attorney General's Chambers

Responsibilities:

Advising and conducted criminal prosecutions, criminal appeals and extradition proceedings in the subordinate court, High Court and Court of Appeal on behalf of the Government.

Assistant Registrar of Birth, Marriage's, Death, Companies, Estate Duty and Bankruptcies. Undertook litigation on behalf of the Government in matters related thereto.

1971-1981 Resident Magistrate and Senior Magistrate, presided over only criminal cases ranging from petty offences to Capital offences.

1981-1998 Appointed First Lady Puisne Judge of High Court of Kenya.

A court with unlimited jurisdiction in civil, constitutional and criminal matters.

1996-1998 Presiding Judge of the Criminal Appeal Division of the High Court

1998-2003 Appointed First Lady Judge of the Court of Appeal of Kenya (Court of final jurisdiction in the Republic).

Main responsibility was the determination of cases, appeals in criminal, civil and constitutional matters. In addition performed administrative duties of a Judge of Appeal.

Developed special interests in criminal, gender violence, family, marriage and succession cases.

October 2003 Retired from Court of Appeal.

October 2003- Chairperson National Council for Children's Services

2005 A presidential appointment requiring a person who is knowledgeable and who has contributed to the promotion of the rights and welfare of children. The purpose of this Council is to exercise general supervision and control over the planning, financing and coordination of child rights and welfare activities. The council acts as an advisor to the government on these matters.

Chairperson, Kenya Orphans Rural Development Programme (KORDP) – an affiliate of Orphans Development Programme International. KORDP is a non-governmental organization working with children and families in difficult circumstances as a result of HIV/AIDS and armed conflict. It has just been awarded the 'Bernard Van Leer Oscar Award for the Year 2005.'

2004- Date Chairperson, Kenya Breast Health Programme

Whose function to sensitize the public on breast cancer and related illness. This includes enforcing their rights, as well as providing support and necessary care for the sick and survivors.

May 2005- Date Special Consultant on Women's and Children's Human Rights and Gender Based Legislations.

Engaged as an expert consultant by the Ministry of Gender, Youth, Sports and Recreation, Government of Lesotho, in conjunction with UNFPA to develop a white paper on the Married Person's Equality Bill 2002 with a view to abolishing the legal minority status of women entrenched in the Kingdom's customary law, statutory law (received Roman-Dutch law) and the Constitution of Lesotho.

Experience in Law Reform and Public Services

1974-1975 Chairperson of the Kenya Magistrate Association. The Commonwealth Judges and Magistrates Association conference was held in Kenya during my tenure.

- 1983-1984 One of the three Judges on the Judicial Commission of Inquiry, set up by the Kenya Government to investigate the conduct of the then Attorney General on allegations of corruption, abuse of office and undermining of the Government.
- 1984-2000 Commissioner on the Kenya Law Reform Commission. A government body whose objective is to review and update Kenya statutory legislation to meet current needs. Under whose portfolio I presided over task forces relating to women and children.
- 1991 One of the five International special Judges for the Miami World Women Congress for a Healthy Planet Tribunal.
- 1991-1998 Founding member and Chairperson of the Kenya Women's Judges Association, past patron of the association.
- 1992-1996 Chaired the National Task Force on Laws Relating to Children. Whose mandate was to domesticate the United Nations Convention on the Rights of the Child, consolidate all the national statutes both constitutional and statutory legislation, with emphasis on children's human rights. This resulted in a comprehensive children's law i.e. Children's Act 2002. A law that has revolutionized the status of the Kenyan child and its welfare especially in the provision of free primary education.
- 1993-1999 Chaired the National Task Force to Review Laws Relating to Women whose mandate was:
 To review current laws, regulations, practices, customs and policies that impose constraints on equal enjoyment of rights by women in civil, political, social, cultural and related matters, with a purpose of removing all sources of inequality in the above spheres.
 The main deliverable was a report with various legislative and policy recommendations aimed at the removal and limitation of inequalities found existing. Awaiting legislation are the Domestic Violence (Family Protection Bill 2002) and the Marriage Bill. Already enacted is the National Council for Gender Development Act.
- 1975-1995 Participated in the preparation of the Country Reports and attended United Nations International Conferences for Women in Mexico (1975), Nairobi (1985), and Beijing (1995).
- 1995-1998 Chairperson of World Bank Gender and Law "East Africa Speaks" programme. Attended various conferences in Addis Ababa and Washington DC. Was instrumental in the production of a report on

informal marriages and cohabitation relationships in Kenya “Come we stay” associations.

2000 Involved with Sudanese women in their Peace initiatives under the auspices of IGAD Secretariat. In this regard I was part of the Maastricht Declaration of the Sudanese Women Peace Initiative April, 2000. A special quote Appendix 31 PG 31,

“A Sudanese child has the right to enjoy protection, they cannot be second class by not negotiating for them.....The war, Justice Owuor said had forced the children of Sudan to grow up and become adults by the age of 10. There are no children in the Sudan, boys and girls are abducted and forced to become child soldiers. The Children should be getting an education but instead they are roaming the streets with AK-47’s.”

2000-2003 Kenya’s Goodwill Ambassador to UNICEF whose role was advocacy, fundraising, and spotlighting the rights and plight of children in need of special protection.

May 2002 Delegate to the United Nation’s Children’s Special Summit, New York City.

Relevant Papers Presented

- Paper on the Rights of Refugees and Displaced Women (Presented at the Manila in the Philippines at the Third Biennial Conference of the International Association of Women Judges)
- Impact of International Human Rights Treaties on the Rights of Women and Children Within the Family: Kenya Case (Presented to the judges colloquium, Mombasa, Kenya)
- Legal Framework: An Overview of the Children’s Bill 2001 (Presented to the National Conference on Children at Mbagathi, 2003)
- Legal Aspect of Statutory Rape and Violence Against Women
- Capacity of the Law and Women leaders to Address the Issues of Women and Property Rights and Inheritance (Presented at the 15th International Conference on HIV and AIDS Bangkok, Thailand July 2004)
- The Effects of Marital Power presented to the Parliamentarians and Principal Secretaries Maseru, Lesotho.

Membership on Governance Boards

Founding Trustee Watoto Kwanza Trust

- An initiative of UNICEF and Kenya Private Sector to mobilize, coordinate and enhance the participation and support of the corporate sector for children in need of special protection for example child laborers, street children, juvenile prostitutes, juvenile offenders and HIV/AIDS orphans.

Trustee Undugu Society of Kenya

- A non-governmental Organization for the rehabilitation of street children.

Trustee International Federation of Women Lawyers FIDA Kenya Chapter

- Advocacy and protection of women's rights.

Past Trustee National Famine Relief Council of Kenya

Past Board Member of AFWIC (UNIFEM)

- An advisory board with special interest in displaced women and returnees rights to inheritance, statutory/customary ownership to land and other property (Addis Ababa and Cairo workshops).

References to be provided upon request

Dated September 2005